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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/595,839	06/16/2000	Daniel Schreiber	42426.00039	1524

7590

09/26/2005

EITAN LAW GROUP  
C/O LONDON IP, INC.  
1700 DIAGONAL ROAD  
SUITE 450  
ALEXANDRIA, VA 22314

EXAMINER

JACKSON, JENISE E

ART UNIT

PAPER NUMBER

2131

DATE MAILED: 09/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/595,839

Applicant(s)

SCHREIBER ET AL.

Examiner

Jenise E. Jackson

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2131

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 07 September 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 12-15, 18 and 27-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 12-15, 18 and 27-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 12-15, 18, 27-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dykes et al(5,872,915) in view of Scherpbier(6,263,365) .

3. As per claim 12, Dykes discloses transmitting a program applet with a password embedded therewith from a server computer to a client computer via a network(see col. 4, lines 65-67, col. 5, lines 1-9, see col. 8, lines 40-67, col. 9, lines 1-6, col. 11, lines 62-67, col. 12, lines 1-10) , receiving by the server computer from the program applet at the computer, via the a request for information stored in a restricted access storage area of a server computer(see col. 5, lines 10-19, see col. 7, lines 26-32, col. 11, lines 62-67, col. 12, lines 1-10), the embedded password for authentication, authenticating the embedded password by the server computer(see col. 8, lines 40-67, col. 9, lines 1-6, see col. 11, lines 62-67, col. 12, lines 1-10), whenever the receiving occurs; thereafter transmitting the information from the server computer, to the program applet at the client computer(see col. 5, lines 10-27). Dykes is silent on invalidating the password by the server computer coincident with an invalidation event. However, Scherpbier discloses invalidating the password by the server computer coincident with an invalidation event(see col. 4, lines 47-55). It would have been obvious to one of ordinary skill in the art at the time of the invention to include invalidating the password by the server computer coincident

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with an invalidation event of Scherpbier with Dykes, the motivation is that if the password is invalid, the flight of Scherpbier is not created(see col. 4, lines 44-55)

4. As per claim 27, it is rejected under the same basis as claim 12. Further, claim 27, discloses a password generator is inherent in Dykes, because Dykes discloses a password, and that the applet transmits the password to the server in order to perform authentication (see col. 8, lines 40-65).

5. Same rationale as above(see claim 12). As per claims 13, 28, Scherpbier discloses wherein the invalidating includes invalidating the embedded password at a predetermined time. The motivation is, time is when the pilot applet(22) of Scherpbier is used to create a flight creation, the applet is then authenticated by the server, if the password is invalid, the flight is not created(see col. 4, lines 44-55).

6. Same rationale as above(see claim 12). As per claims 14, 29, Scherpbier discloses wherein the invalidating includes invalidating the embedded password after lapse of a predetermined time from when the request was received(see col. 4, lines 44-55). It would have been obvious to invalidate after a predetermined amount of time has elapsed, because this is a security feature to ensure that passwords are changed and cannot be reused by an unauthorized user.

7. As per claims 15, 30, the Examiner takes Official Notice that it is well-known in the art of networking to invalidate a password upon detection of a loss of communication with the client; therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to include invalidating a password upon detection of a loss of communication with the

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client, the motivation is that the password can be intercepted and used by another client on the network, if the password is not invalidated.

### **Response to Amendment**

8. The remarks in view of Scherpbier are moot, because the Examiner has relied upon another reference to reject the limitations upon which the Applicant is arguing.

### **Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jenise E. Jackson whose telephone number is (571) 272-3791.

The examiner can normally be reached on M-Th (6:00 a.m. - 3:30 p.m.) alternate Friday's.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on (571) 272-3795. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



September 20, 2005

*CEL*  
Primary Examiner  
AU 2131  
9/23/05

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